

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

JAMES WARREN

Defendant(s)

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 27, 2019 in the county of Montgomery in the  
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Possession of a firearm after having been previously convicted of a felony offense

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 04/01/2019

City and state: Dayton, Ohio

Complainant's signature

Andrew McCoy, Task Force Officer, FBI

Printed name and title

Judge's signature

Michael J. Newman, United States Magistrate Judge

Printed name and title

## **AFFIDAVIT**

Your Affiant, Andrew D. McCoy, being duly sworn, does hereby depose and state as follows:

### **I.**

#### **INTRODUCTION**

1. I am a sworn law enforcement officer in the State of Ohio for over eighteen (18) years. I am presently a sworn member of the Montgomery County Sheriff's Office. I am currently assigned to the Federal Bureau of Investigation's (FBI) Southern Ohio Safe Streets Task Force (SOSSTF) as a Task Force Officer (TFO). I have received training in drug trafficking investigations and have participated in numerous narcotics-related investigations (ultimately leading to successful prosecution) that involved surveillance, gathering evidence of money laundering, interviewing suspected drug traffickers, and supervising the activities of informants who provided information and assistance which resulted in the seizure of narcotics. I have conducted numerous investigations into the unlawful distribution and possession of controlled substances; use and possession of firearms. Based on my training and experience, I am familiar with federal firearms laws, and I am aware that possession of a firearm by a convicted felon is a violation of Title 18, United States Code, Section 922(g)(1).

### **II.**

#### **PURPOSE OF AFFIDAVIT**

2. This Affidavit is made in support of an arrest warrant for **JAMES JAMAR WARREN** (hereinafter "**WARREN**"). My knowledge of this investigation is based upon my own personal observations, as well as the observations and investigation conducted by other law enforcement officers knowledgeable of the facts and circumstances involved in subject investigation. I have not included in this Affidavit all the facts known to me, but only that information sufficient to

establish probable cause to believe that **WARREN** has committed a violation of Title 18, United States Code, Section 922 (g)(1), that being “Felon in possession of a firearm.”

### III.

#### SUMMARY OF PROBABLE CAUSE

3. On March 27, 2019, investigators from the RANGE Task Force served a search warrant at 1319 Philadelphia Drive, in the City of Dayton, Montgomery County, Ohio. This search warrant was issued by the Honorable Dayton Municipal Court Judge Carl Henderson on March 27, 2019.

4. Upon making entry into the residence, RANGE Task Force investigators encountered **WARREN** in the dining room on the first floor of the residence and another male, Derrick Fitzpatrick Jr., in second floor hallway of the residence. **WARREN** and Fitzpatrick were detained and a search of the residence was then conducted.

5. During the search of the residence, RANGE investigators located three (3) firearms in various locations of the house. A Glock 23, .40 caliber pistol, serial #BDNP625 was located in a dresser drawer in **WARREN**’s bedroom. This firearm had an empty magazine inserted into its magazine well with two (2) magazines loaded with fifteen (15) total rounds in the drawer next to it. A Smith & Wesson M&P 15-22, .22 caliber rifle, serial #DFB2510 was located under the basement steps immediately outside of **WARREN**’s bedroom door. This firearm was found to be loaded with a magazine containing twenty five (25) total rounds. The third firearm, a Taurus G2C, 9mm pistol, serial #TLY32666, was located in a dresser drawer in the upstairs bedroom used by Fitzpatrick. This firearm was loaded with a magazine containing fourteen (14) rounds of 9mm caliber ammunition.

6. **WARREN** was subsequently interviewed by RANGE Task Force Detective Samuel Hemingway (which was recorded). **WARREN** waived his Miranda Rights and agreed to speak to

Detective Hemingway without a lawyer present. During the interview, **WARREN** told Detective Hemingway that he lived at 1319 Philadelphia Drive with his mother and his brother. **WARREN** admitted that all three firearms located in the residence belonged to him and he stated that he kept the firearms in the residence for protection. **WARREN** described each firearm and their specific locations within the residence to Detective Hemingway. **WARREN** also admitted to Detective Hemingway that he was aware that he was legally prohibited from owning or possessing any firearms due to his previous criminal convictions.

7. A check of **WARREN'S** criminal history revealed that he has been previously convicted of felony criminal offenses (all punishable by more than one year in prison):

a) on or about November 12, 2008, in the Montgomery County, Ohio Court of Common Pleas, case number 2008 CR 410/B, of "Felonious Assault (Police Officer)(Deadly Weapon);"

b) on or about November 12, 2008, in the Montgomery County, Ohio Court of Common Pleas, case number 2008 CR 03447, of "Trafficking in Cocaine (25 grams but <100 grams)(CRACK)."

8. On March 27, 2019, I responded to the Montgomery County (Ohio) Sheriff's Office firearms range and test fired the Glock 23, .40 caliber pistol, serial #BDNP625; the Smith & Wesson M&P 15-22, .22 caliber rifle, serial #DFB2510; and the Taurus G2C, 9mm pistol, serial #TLY32666. I found all three firearms to be operable.

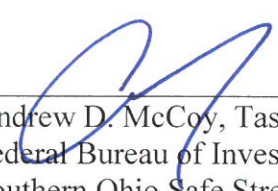
9. I subsequently spoke with Special Agent Chris Reed of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, who has training and experience in determining a firearm's place of manufacture. Agent Reed advised that the Glock 23, .40 caliber pistol, serial #BDNP625; the Smith & Wesson M&P 15-22, .22 caliber rifle, serial #DFB2510; and the Taurus G2C, 9mm pistol,



serial #TLY32666 were all manufactured outside the state of Ohio, and thus moved in interstate commerce.

10. Based on the facts set forth in the Affidavit, there is probable cause to believe that, on or about March 27, 2019, in the Southern District of Ohio, **WARREN** committed a violation of Title 18, United States Code, Section 922 (g)(1), that being "Felon in possession of a firearm."

Further your Affiant sayeth naught.

  
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Andrew D. McCoy, Task Force Officer  
Federal Bureau of Investigation  
Southern Ohio Safe Streets Task Force

Subscribed and sworn to before me this 1<sup>st</sup> day of April, 2019.

  
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HONORABLE MICHAEL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

